



12-18-01
JC14 Re PCT/PTO

13 DEC 2001

A34638-PCT-USA (072667.0176)

PATENT #3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Fritig et al.
Serial No. : 09/937,204 Examiner : Not Yet Assigned
Filed : March 22, 2000 Group Art Unit: Not Yet Assigned
For : INDUCIBLE COMTII PROMOTER, CHIMERA GENE CONTAINING
SAME AND TRANSFORMED PLANTS

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

BY EXPRESS MAIL – LABEL NO.: EF377397944US

December 13, 2001

Hon. Commissioner for Patents and Trademarks
U.S. Patent and Trademark Office
Box Missing Parts
P.O. Box 2327
Arlington, VA 22202

Sir:

Responsive to the Notification of Missing Requirements under 35 U.S.C. § 371 dated November 2, 2001, enclosed herewith is a Declaration referring to the above-identified application by one or more of the following in compliance with 37 C.F.R. § 1.63:

- ☐ Name of inventor and application serial number;
- ☒ Name of inventor, attorney docket number which was on the application as filed, and filing date of the application;
- ☒ Name of inventor, title of invention and filing date;
- ☐ Name of inventor, title of invention and reference to a specification which is attached to the oath or declaration at the time of execution and filed with the oath or declaration;
- ☐ Name of inventor, title of invention. As presently advised, the undersigned, a registered attorney, states that the application filed in the PTO is the application which the inventor executed by signing the oath or declaration.

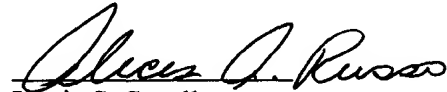
Filed concurrently herewith is: 1) A paper copy of the Sequence Listing; 2) A computer-readable version of same; 3) A declaration that both the paper and computer-readable versions of the Sequence Listing are identical and contain no new matter including an amendment directing the entry of this Sequence Listing into the specification of the above-captioned application.

A check in the amount of \$130 is also enclosed, representing payment of the surcharge due for late filing of the Declaration for applicants other than small entities pursuant to 37 C.F.R. § 1.16(e).

Applicants believe no other fees are due. The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication to Deposit Account No. 02-4377. Two copies of this communication are enclosed.

Respectfully submitted,

BAKER BOTTS L.L.P.



Louis S. Sorell
Patent Office Reg. No. 32,439

12/26/2001 UEDUVIJE 00000117 09937204

01 FC:154

130.00 DP

Alicia A. Russo
Patent Office Reg. No. 46,192

Attorneys for Applicants
(212) 408-2500

Enclosures



FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 130

Complete if Known

Application Number	09/937,2044
Filing Date	March 22, 2000
First Named Inventor	Bernard Fritig
Examiner Name	Not Yet Assigned
Group Art Unit	Not Yet Assigned
Attorney Docket No.	A34638-PCT-USA

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 02-4377
Deposit Account Name: Baker Botts LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
710	355	Utility filing fee	
320	160	Design filing fee	
490	245	Plant filing fee	
710	355	Reissue filing fee	
150	75	Provisional filing fee	

SUBTOTAL (1) (\$ 0

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	20** = 0	X	0
Multiple Dependent Claims	3** = 0	X	0

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
18	9	Claims in excess of 20
80	40	Independent claims in excess of 3
270	135	Multiple dependent claim, if not paid
80	40	** Reissue independent claims over original patent
18	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	130
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for ex parte reexamination	
920*	920*	Requesting publication of SIR prior to Examiner action	
1,840*	1,840*	Requesting publication of SIR after Examiner action	
110	55	Extension for reply within first month	
390	195	Extension for reply within second month	
890	445	Extension for reply within third month	
1,390	695	Extension for reply within fourth month	
1,890	945	Extension for reply within fifth month	
310	155	Notice of Appeal	
310	155	Filing a brief in support of an appeal	
270	135	Request for oral hearing	
1,510	1,510	Petition to institute a public use proceeding	
110	55	Petition to revive - unavoidable	
1,240	620	Petition to revive - unintentional	
1,240	620	Utility issue fee (or reissue)	
440	220	Design issue fee	
600	300	Plant issue fee	
130	130	Petitions to the Commissioner	
50	50	Processing fee under 37 CFR 1.17(q)	
180	180	Submission of Information Disclosure Stmt	
40	40	Recording each patent assignment per property (times number of properties)	
710	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
710	355	For each additional invention to be examined (37 CFR § 1.129(b))	
710	355	Request for Continued Examination (RCE)	
900	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid


SUBTOTAL (3) (\$ 130

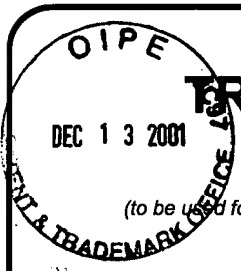
SUBMITTED BY

Name (Print/Type)	Alicia A. Russo	Registration No. (Attorney/Agent)	46,192	Telephone	212.408.2620
Signature	<i>Alicia A. Russo</i>	Date	December 13, 2001		

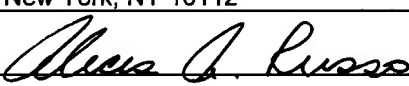
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

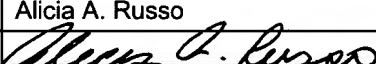
BAKER BOTTS LLP

Please type a plus sign (+) inside this box → 

 TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/937,2044
	Filing Date	March 22, 2000
	First Named Inventor	Bernard Fritig
	Group Art Unit	Not Yet Assigned
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number	A34638-PCT-USA

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Combined Declaration/Power of Attorney
Remarks <input type="checkbox"/>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112
Signature	 Att Name: Alicia A. Russo PTO Reg: 46,192
Date	December 13, 2001

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>December 13, 2001</u>	
Typed or printed name	Alicia A. Russo
Signature	 Date: December 13, 2001

<small>Compliance Fee Notice, for PCT, United States Patent and Trademark Office, Washington, D.C. 20231, www.uspto.gov</small>		
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/937,204	Bernard Fritig	A34638-PCT USA
INTERNATIONAL APPLICATION NO.		
PCT/FR00/00714		
I.A. FILING DATE	PRIORITY DATE	
03/22/2000		

Janet M. MacLeod, Ph.D.
 Baker Botts
 30 Rockefeller Plaza
 New York, NY 10112-0228

CONFIRMATION NO. 6438

371 FORMALITIES LETTER



OC000000007010020

Date Mailed: 11/02/2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

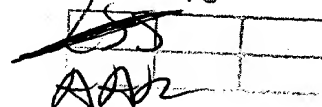
The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report

BAKER BOTTS L.L.P.

01 NOV 12 AM 9:54

TO



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
 - APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

Docketed

For 1/12/2001 By *[Signature]*
ML *5/12/02*

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

- Additional claim fees of \$.00 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$.00 for a Large Entity:

- Total additional claim fee(s) for this application is \$.00
 - \$.00 for multiple dependant claims surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

KAYA L LEWIS BALTIMORE

Telephone: (703) 305-3695

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/937,204	PCT/FR00/00714	A34638-PCT USA